

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ROBIN WRIGHT,

Plaintiff,

Case No. 1:12-cv-311

Weber, J.  
Bowman, M.J.

vs.

TPR ASSOCIATES, LLC, et al.,

Defendants.

**ORDER**

Plaintiff initiated this action on April 18, 2012. (Doc. 1). The docket indicates that Defendant Tim Janko was served with a summons and a copy of the Complaint on May 16, 2012. (Doc. 13). Accordingly, Defendant's answer was due on or about June 7, 2012. See Fed. R. Civ. P. 12(a)(1)(A). To date, Defendant Janko, has failed to move, answer, or otherwise plead in response to the Complaint. Consequently, an entry of default and default judgment may be appropriate in this case.

Rule 55 of the Federal Rules of Civil Procedure contemplates a two-step process in obtaining a default judgment against a defendant who has failed to plead or otherwise defend. First, a plaintiff must request from the Clerk of Court an entry of default, describing the particulars of the defendant's failure to plead or otherwise defend. Fed. R. Civ. P. 55(a). If default is entered by the Clerk, the plaintiff must then move the court for entry of default judgment. Fed. R. Civ. P. 55(b).

The Federal Rules also provide that:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits.

Fed. R. Civ. P. 41(b).

Accordingly, it is herein **ORDERED** that **WITHIN TWENTY (20) DAYS** of this Order, Plaintiff shall either move to have default entered against Defendant Janko or show cause why this action should not be dismissed for lack of prosecution as to Defendant Janko. Failure to comply with the terms of this Order shall result in a recommendation to the District Court that this action be dismissed against Defendant Janko.

**IT IS SO ORDERED.**

s/Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge